REMARKS

In the non-final office action mailed on October 5, 2007, claims 1 – 8 were rejected under 35 U.S.C. §112, ¶2, claims 1 – 8 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,141,530 (to Rabowsky) in view of U.S. Patent No. 6,698,020 (to Zigmond et al.).

The Rabowsky reference discloses a system for distributing movies in a digital format to a plurality of theatres. The Rabowsky reference also discloses that an automated scheduling system is used to distribute the movies, and that each movie may include a trailer. The trailer, however, appears to be compiled at the central location or "Headend" (Rabowsky, col.12, lines 9 - 16). As discussed previously, there is no disclosure in the Rabowsky reference regarding how the trailer is compiled at the Headend. The Rabowsky reference also states that a theatre operator may make modifications to the schedule (Rabowsky, col.12, lines 17 - 28). It is the scheduling by accessing content data responsive to two sets of information (context data and show schedule information), together with assembling presentation data to which the invention is directed. The Rabowsky reference does not disclose how such a trailer could be created.

The Zigmond et al. reference discloses a system for selecting and displaying advertisements during pre-defined interruptions in a video programming feed at households. The Zigmond et al. reference specifically states that:

> At the appropriate time indicated by the triggering event, the video programming feed is *interrupted* and the selected advertisement is *displayed* to the viewer using a display screen of the home entertainment system. In effect, the advertisement originally carried on the video programming feed is overwritten with the selected advertisement. Upon termination of the advertisement, the video programming feed is again displayed to the viewer.

Col.4, lines 45 – 52 (*emphasis added*).

The system of Zigmond et al., therefore, does not access content data responsive to context data and show schedule information, and does not assemble presentation data that includes the content data. Instead, the system of the Zigmond et a. reference selects and places an individual advertisement into a specific open time slot responsive to a triggering event. This is very different than a system of the invention that accesses data responsive to more than one piece of information, and assembles presentation data that includes the content data. The Zigmond et al. reference clearly discloses that:

> At an appropriate time specified by encoded data in video programming feed 52 or by the structure of video programming feed 52, the household advertisement insertion device 60 *interrupts* the display of the video programming feed 52. An advertisement 59 that has been selected according to any desired method is *then displayed* to the viewer using display device 58.

Col.7, lines 26 – 32 (*emphasis added*). The Zigmond et al. reference, in fact, discloses that the system switches between sources (using a switch 90 shown in Figure 5) for the designated time slot (col.15, lines 57 – 65). The system, therefore, at least does not assemble presentation data, but rather simple provides the video data at the designated time.

Similar to the Rabowsky reference, the Zigmond et al. reference requires a pre-existing schedule into which small insertions may be made at designated places. Both references require a pre-existing schedule: in Rabowsky this is called a trailer, and in Zigmond et al. this is call a video programming feed. Neither reference discloses how the trailer or the video programming feed is *created*. No combination of the references, therefore, teaches the selection of a subset of data responsive to both context data and show schedule information, and teaches assembling presentation data that includes the content data.

As amended, claim 1 is directed to a video data scheduling system that includes, in part, schedule means configured to access a subset of content data in a computer storage unit

responsive to context data and show schedule information, and further includes production means configured to assemble presentation data including a subset of the content data.

For the reasons discussed above, the cited prior art does not teach or motivate such a system since there the video data selected in the prior art is not selected responsive to two sets of data. Claim 1, therefore, is submitted to be in condition for allowance. Each of claims 2 – 4 depends directly from claim 1 and further limits the subject matter thereof. Each of claims 1 – 4 is therefore submitted to be in condition for allowance.

As amended, claim 5 is directed to a video data scheduling system that includes, in part, schedule means configured to access a subset of content data in a computer storage unit responsive to context data and responsive to show schedule information. The system also includes production means configured to assemble first presentation data including a first subset of the content data that is associated with a first show, and is configured to assemble second presentation data including a second subset of the content data that is associated with a second show.

Again, for the reasons discussed above, the cited prior art does not teach or motivate such a system since there the video data selected in the prior art is not selected responsive to two sets of data. Moreover, the cited prior art does not disclose a production means that is configured to assemble first presentation data including a first subset of the content data that is associated with a first show, and is configured to assemble second presentation data including a second subset of the content data that is associated with a second show. Claim 5, therefore, is submitted to be in condition for allowance. Each of claims 6 – 7 depends directly from claim 5 and further limits the subject matter thereof. Each of claims 5 – 7 is therefore submitted to be in condition for allowance.

As amended, claim 8 is directed to a video data scheduling system that includes, in part, schedule means configured to access a subset of content data in a computer storage unit responsive to a subset of context data and responsive to show schedule information. The system also includes production means configured to assemble first presentation data including a first plurality of subsets of the content data associated with a first show, and is configured to assemble second presentation data including a second plurality of subsets of the content data associated with a second show.

Again, for the reasons discussed above, the cited prior art does not teach or motivate such a system since there the video data selected in the prior art is not selected responsive to two sets of data, and further does not teach or motivate a production means that is configured to assemble first presentation data including a first subset of the content data that is associated with a first show, and is configured to assemble second presentation data including a second subset of the content data that is associated with a second show. Claim 5, therefore, is submitted to be in condition for allowance.

Applicant respectfully submits, therefore, that each of claims 1 – 8 is in condition for allowance. Favorable action consistent with the above is respectfully requested.

<div align="right">

Respectfully submitted,

William E. Hilton
Registration No. 35,192
Gauthier & Connors LLP
225 Franklin Street, Suite 2300
Boston, Massachusetts 02110
Telephone: (617) 426-9180
Extension 111

</div>